

ENTERED

December 21, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

HARRY GREEN,

Plaintiff,

VS.

LEE EDUARDO,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:21-CV-133

ORDER

On September 2, 2021, Plaintiff Harry Green filed a Prisoner Civil Rights Complaint against Defendant Lee Edwardo (Doc. 1), alleging that Edwardo used excessive force against him when Green was a prisoner at the Carrizales-Rucker Detention Center in Olmito, Texas. Green applied to proceed in forma pauperis (Motion, Doc. 2), but did not attach the required prisoner trust fund account statement to his application. That same day, the Magistrate Judge ordered Green to correct this deficiency. (Order, Doc. 5) As of today's date, Green has not paid the filing fee or filed the required prisoner trust account statement, despite a warning that the failure to do so may result in the dismissal of his lawsuit. (Order, Doc. 12)

In November 2021, the Magistrate Judge recommended that Green's suit be dismissed without prejudice for want of prosecution. (R&R, Doc. 13) No party filed objections to the Report and Recommendation,¹ and the Court finds no clear error within it.

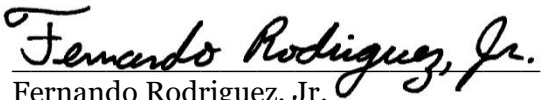
As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 13). It is:

ORDERED that Plaintiff Harry Green's causes of action within his Prisoner Civil Rights Complaint (Doc. 1) are **DISMISSED WITHOUT PREJUDICE**.

¹ On November 30, 2021, the Clerk of Court served the Report and Recommendation on Green at the address he has on file with the Court. (Doc. 15) See FED. R. CIV. P. 5(b)(2)(C) (authorizing service by mailing the document to the person's last known address); *Cholick v. Salvador*, No. 1:20-CV-00164, 2020 WL 6504446 (S.D. Tex. Nov. 5, 2020) (adopting the Report and Recommendation despite mail being returned undeliverable because service at the plaintiff's last known address was sufficient).

The Clerk of Court is directed to close this matter.

Signed on December 21, 2021.


Fernando Rodriguez, Jr.
United States District Judge